

### **REMARKS**

Claims 1-21 remain pending in the present application. Claims 1, 5, 14 and 21 have been amended. Basis for the amendments can be found throughout the specification, claims and drawings as originally filed.

### **REJECTION UNDER 35 U.S.C. § 102**

Claims 1-9, 14, 15 and 20 are rejected under 35 U.S.C. § 102(b) as being anticipated by Tabata (U.S. Pat. No. 4,887,515). Claim 21 is rejected under 35 U.S.C. § 102(b) as being anticipated by J.M. Hannan (U.S. Pat. No. 3,273,876). Applicant respectfully traverses this rejection. Claim 1 has been amended to define the upper working chamber as being sealed to eliminate all direct communication with an environment outside the damper.

Tabata discloses a hydraulic cylinder which is a dual acting cylinder. The chamber 40 above piston 18 is designed to be connected to pressurized fluid through hole 38 to extend the length of cylinder 10. The chamber 30 above piston 14 (the equivalent of our upper working chamber is designed to be connected to pressurized fluid through hole 59 to compress cylinder 10. Thus, Tabata does not disclose, teach or suggest sealing the upper working chamber (30) to eliminate all direct communication with an environment outside the damper. In fact, if the chamber 30 in Tabata were sealed as now defined in amended Claim 1, the object of and the problem being solved by Tabata would not be met or solved and Tabata would be rendered unsatisfactory for its intended purpose.

Hannan also discloses an opening 14 which connects the equivalent of the upper working chamber directly to an environment outside the damper.

Thus, Applicant believes Claims 1, 14 and 21, as amended, patentably distinguish over the art of record. Likewise, Claims 2-13 and 15-20, which ultimately depend from Claims 1, 14 or 21 are also believed to patentably distinguish over the art of record. Reconsideration of the rejection is respectfully requested.

### **REJECTION UNDER 35 U.S.C. § 103**

Claims 10-12 and 16-18 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Tabata in view of Yamaoka, et al. (U.S. Pat. No. 5,115,892).

As stated above, Claims 1, 14 and 21 have been amended. Thus, Applicant believes Claims 1, 14 and 21, as amended, patentably distinguish over the art of record. Likewise, Claims 10-12 and 16-18, which ultimately depend from Claims 1, 14 or 21 are also believed to patentably distinguish over the art of record. Reconsideration of the rejection is respectfully requested.

Claims 13 and 19 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Tabata in view of Yamaoka, et al. as applied to Claims 10 and 16 above, and further in view of Sugiura (U.S. Pat. No. 3,784,179).

As stated above, Claims 1, 14 and 21 have been amended. Thus, Applicant believes Claims 1, 14 and 21, as amended, patentably distinguish over the art of record. Likewise, Claims 13 and 19, which ultimately depend from Claims 1, 14 or 21 are also believed to patentably distinguish over the art of record. Reconsideration of the rejection is respectfully requested.

## CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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